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Public office ban proposed for city workers

House bill would bar local government employees from running for elected posts

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Hoping to eliminate potential conflicts of interest, a lawmaker is pushing a bill this year that would bar local government workers from running for elected office where they can vote on their own pay and other matters that benefit them.

"The cost in public confidence is too great to have this continue," said first-year state Rep. Ed Delaney, an Indianapolis Democrat who authored the proposal. "I think we will get better candidates if people don't think government is an insider's club."

A review by The Indianapolis Star in December found numerous examples across the state of police officers, firefighters and others who had won office and then voted to bump up their salaries -- often as part of across-the-board salary increases for government employees -- or benefited in some other way at taxpayer expense.

STICKY SITUATION: <http://www.indystar.com/article/20081228/NEWS06/312280002>">In Indiana, city workers can OK their own raises

A police officer, a firefighter, an employee in the county assessor's office and a city human resources worker currently hold seats on the Indianapolis City-County Council.

Gov. Mitch Daniels has asked lawmakers to take action on the issue this year. Letting local government employees become, essentially, their own boss is a "very bad idea," the governor said last month.

Delaney said he repeatedly heard complaints from voters while he was campaigning that they had grown tired of a system rife with potential conflicts of interest.

But municipal workers who serve on such councils -- including those on the City-County Council -- argued that government employees bring extensive first-hand knowledge to their elected roles.

"I think people bring some knowledge from their full-time employment," said Republican Lincoln Plowman, a major in the Indianapolis Metropolitan Police Department. "I field lots of questions from other council members and constituents about police work, and I'm usually able to answer them."

Putting an end to the situation was one of the recommendations made in 2007 by the Local Government Reform Commission, which Daniels assembled.

Commission co-chairman and former Gov. Joe Kernan said the recommendation was driven in part by conflicts of interest -- real and potential -- that the commission saw in Indianapolis when it was writing its report.

That year, 11 police officers and firefighters ran for seats on the 29-member council. Four won office.

Some think conflicts can be avoided if members abstain from votes that involve personal interest. But the Star review in December found numerous instances in which members did not abstain -- and had no intention of ever abstaining.

And the commission was particularly concerned with just such an example in Indianapolis: Now-retired firefighter Monroe Gray, the former council president, cast the tie-breaking vote to shelve an ethics investigation into his business dealings and questions over whether he performed any real work in his Indianapolis Fire Department job.

Delaney said House Bill 1373 also would clean up potential problems for government supervisors.

"How can you discipline someone who sets your salary level?" Delaney asked. "Can you imagine the sergeant in the Army setting the colonel's pay?"

The bill would not remove any elected officials from office until their current term is over.

Tom Hanify, president of the state firefighters union, said he encourages his members to live in the city where they work and to get involved in civic affairs. Delaney's bill, he said, would have the opposite effect, stripping them of an opportunity to become fully engaged in their communities.

"When did they become second-class citizens?" Hanify asked. "There are conflicts everywhere in state and local government, so let's be consistent."

He noted that teachers' salaries are now fully funded by a General Assembly that allows teachers as members, and that the number of lawyer-legislators has long been high, even while the legislature passes laws that have an impact on their profession, including whether to place limits on judgments.

"We are supposed to be a citizen legislature," said Mary Moriarty Adams, a Democratic council member and employee of the county assessor's office. "It's hard to curtail some potential conflicts and allow others."

But Brian Vargus, a political science professor at Indiana University-Purdue University Indianapolis, noted many cities and states across the country already ban government employees from public office.

"Most people who study politics see this as a means of reform and avoiding even the appearance of impropriety," he said.

Additional Facts

STAR WATCH INVESTIGATION

» **The issue:** Local government workers in Indiana are permitted to run for office and then are able to oversee the departments where they work.

» **What we found out:** The Star discovered that many of these workers won't sit out votes on issues that benefit them, including votes to give themselves pay raises.

» **This story:** A freshman lawmaker has introduced legislation that would put an end to this practice.

WORKING AND REPRESENTING

Four Indianapolis City-County Council members work for city or county government:

» **Mary Moriarty Adams**, Democrat, Marion County assessor's office.

» **Vernon Brown**, Democrat, Indianapolis Fire Department.

» **Dane Mahern**, Democrat, Indianapolis Human Resources.

» **Lincoln Plowman**, Republican, Indianapolis Metropolitan Police Department.